

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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O R 251000Z MAY 77
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC IMMEDIATE 5898
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

C O N F I D E N T I A L NICOSIA 1380

E.O. 11652: GDS
TAGS: PFOR, CY
SUBJECT: DAVIES TRIAL

1. CHRISTAKIS LEONIDA, WHO HAD BEEN CHARGED WITH RIOTING AND CAUSING DAMAGE TO THE AMERICAN EMBASSY DURING THE AUGUST 19, 1974 DEMONSTRATION WHICH RESULTED IN THE MURDER OF AMBASSADOR DAVIES, WAS ACQUITTED AND DISCHARGED BY THE NICOSIA ASSIZE COURT ON MAY 24. THE FAILURE OF CYPOL TO PROPERLY ACQUAINT LEONIDA WITH HIS RIGHTS BEFORE CYPOL INTERROGATED HIM AND TOOK HIS STATEMENT WAS THE GROUNDS FOR ACQUITTAL.

2. DURING THE TESTIMONY PRECEDING THE ACQUITTAL, INSPECTOR PETRIDES AND CYPOL SERGEANT KATSIKIDES FURNISHED CONFLICTING EVIDENCE CONCERNING THE TIME AND PLACE THEY HAD DISCUSSED WITH LEONIDA HIS PARTICIPATION IN THE RIOTS. PETRIDES FINALLY ADMITTED THAT LEONIDA HAD NOT BEEN READ HIS RIGHTS PRIOR TO THE CYPOL INTERROGATION. THE PRESIDING JUDGE NOTED THE DISCREPANCIES AND INCONSISTENCIES IN THE PROSECUTION'S EVIDENCE AND HELD THE COURT WAS NOT SATISFIED THAT
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LEONIDA'S STATEMENT HAD BEEN GIVEN FREELY AND VOLUNTARILY. THE PROSECUTION NOTED THAT THERE WERE NO WITNESSES WHO COULD TESTIFY TO LEONIDA'S ACTIONS. THEY WOULD THEREFORE WITHDRAW ALL CHARGES. THE ACQUITTAL WAS THEN ANNOUNCED.

3. COUNSEL FOR LEFTIS THEN MOVED TO HAVE LEFTIS' STATEMENT RULED INADMISSIBLE, CLAIMING IT HAD BEEN TAKEN CONTRARY

TO THE LAW, THAT THE IMPORTANCE OF THE STATEMENT HAD NOT BEEN EXPLAINED TO LEFTIS. HE NOTED THAT LEFTIS HAD NEVER SIGNED THE STATEMENT. THE COURT EXPECTS TO RULE ON THIS MOTION DURING THE MAY 25 SESSION.

4. COMMENT: ON BALANCE, THE MAY 24 COURT PROCEEDINGS WERE A DISTINCT EMBARRASSMENT FOR CYPOL, ESPECIALLY INSPECTOR PETRIDES. WE ARE CONCERNED, AS IS THE PROSECUTION, ACCORDING TO THE FSL WHO ATTENDS THE TRIAL, THAT PETRIDES' INEPT PERFORMANCE AS A WITNESS MAY CONTINUE ON MAY 25 DURING THE HEARINGS ON LEFTIS' STATEMENT. THE ADMISSION OF LEFTIS' STATEMENT IS IMPORTANT TO THE PROSECUTION: IT PUTS HIM IN A VERY BAD LIGHT IN THAT HIS MAJOR PREMISES (THAT HE WENT TO THE EMBASSY WITH LT. XENOFONTOS AS DIRECTED BY GENERAL AZINAS) HAVE BEEN CONVINCINGLY REFUTED BY XENOFONTOS AND AZINAS. IF LEFTIS' STATEMENT IS RULED INADMISSIBLE, THE RULING WILL HAVE NO BEARING ON THE TESTIMONY OF THE OTHER WITNESSES WHO SAW HIM ARMED AND AT THE SCENE DURING THE RIOTING. END COMMENT. CRAWFORD

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